

City Council Introduction: **Monday**, October 16, 2000  
Public Hearing: **Monday**, October 23, 2000, at **1:30 p.m.**

Bill No. 00-187

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3271**, a text amendment to Chapter 27.67 of the Lincoln Municipal Code, requested by the Director of Planning on behalf of the Lancaster County Board of Commissioners, to add section 27.67.085 to expand the regulation of the parking of unregistered, wrecked, non-operating, junked or partially dismantled vehicles to the three-mile jurisdiction of the city outside the City Limits.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 10/04/00  
Administrative Action: 10/04/00

**RECOMMENDATION:** Approval (8-0: Carlson, Hunter, Steward, Schwinn, Duvall, Taylor, Bayer and Newman voting 'yes'; Krieser absent).

### **FINDINGS OF FACT:**

1. The Planning staff recommendation to approve this text amendment is based upon the "Analysis" as set forth on p.3.
2. The testimony of Rick Peo, Chief Assistant City Attorney, is found on p.5.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 9, 2000

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 9, 2000

**REFERENCE NUMBER:** FS\CC\CZ3271FS

W44

**DATE:** September 13, 2000

To add a section to the City Zoning Ordinance to regulate the parking of unregistered, wrecked, non-operating, junked vehicles.

Kathleen A. Sellman, AICP, Director of Planning,  
on behalf of the Lancaster County Board,  
Lincoln/ Lancaster County Planning Department  
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Lincoln, NE 68508

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or  
Rick Peo  
City Attorney Office  
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Lincoln, NE 68508  
(402) 441- 7281

## Chapter 27.67, Parking, of the Lincoln Municipal Code

Amend the Zoning Ordinance section on parking.

## **PURPOSE:**

To restrict the storage or parking of unregistered, wrecked, non-operating, junked or dismantled vehicles.

## **HISTORY:**

In March 1996, the City initiated amendments to Title 10.42 of the L.M.C. to regulate junk vehicles in the city limits. That ordinance applies only within the city limits. The County Board has requested that regulations be developed to cover the three mile area. The existing Title 10 provisions allow up to two such vehicles to be stored outside a building for up to 180 days.

## **ANALYSIS:**

1. This amendment would add a new provision under the parking section of the zoning ordinance that would establish special conditions for unregistered, wrecked, non-operating, or partially dismantled vehicles parked or stored in any residential district.
2. When the City established the “junk car” ordinance under Title 10.42 of the Lincoln Municipal Code it applied only to the area within the city limits. The Lancaster County Board has no authority to create a matching provision outside the city limits. As a result, some vehicles that did not meet the city ordinance simply were moved into the county, generally close to the city. The County Board has received many complaints from citizens to address this issue and after review, requested the City to find a means to address junk cars in the three mile area. The City Law Department, in consultation with the County Board, has developed the attached language to resolve this issue.
3. The attached language provides for such vehicles in the same manner as the current Title 10 of the L.M.C. except it is under the zoning provisions and would cover both the city and the three mile area. Limitations in state law dictate the use of zoning rather than an expanded enforcement of Title 10.
4. Farmsteads are exempted from this provision to avoid conflicts with normal farming operations and to target the primary areas of potential problem, e.g, residential and small acreage parcels.
5. Building and Safety is the enforcement agency for the zoning code, however, discussions are underway to have the County Sheriff assist in enforcement of this provision.

## **STAFF RECOMMENDATION:**

Approval

***See attached proposed text to create a new section 27.67.085 in Chapter 27.67, Parking***

Prepared by:

Mike DeKalb, AICP  
Planner

## CHANGE OF ZONE NO. 3271

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 4, 2000

Members present: Carlson, Hunter, Steward, Schwinn, Duvall, Taylor, Bayer and Newman; Krieser absent.

Planning staff recommendation: Approval.

### Proponents

1. **Rick Peo** of the City Law Department explained that the purpose of this text amendment is based upon a request from the County Board to expand the prohibition of keeping junked and dismantled vehicles on property. This ordinance basically mirrors the present city ordinance under the traffic code for junk cars within the city limits. It now puts this restriction in the zoning code as well. The fundamental effect is that the regulation of the storage of abandoned vehicles is extended into the three-mile area outside the city limits. It is believed that these types of vehicles are causing problems and the county requested we expand the city's jurisdiction on this issue.

There was no testimony in opposition.

Public hearing was closed.

### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

October 4, 2000

Duvall moved approval, seconded by Carlson.

Steward pointed out that this would allow such vehicles to be parked or stored on 20-acre parcels which fall under the definition of "farmstead". This is unfortunate but he realizes we probably cannot legally restrict it beyond the legislation proposed.

Motion for approval carried 8-0: Carlson, Hunter, Steward, Schwinn, Duvall, Taylor, Bayer and Newman voting 'yes'; Krieser absent.